

REMARKS

In the specification, the section headings have been corrected to conform to U.S. patent practice. No new matter has been added.

Claims 1-21 were pending in this application. Claims 1 and 3-21 have been amended. Claim 2 has been canceled. New Claim 22 has been added. No new matter has been added.

ARGUMENTS

Claim 1 as amended incorporates the limitations of Claim 2 and recites that the reaction portion is connected to the base portion via a neck portion. Support for this is set out in paragraph [0019] of the specification.

The closing action of the clip of the present invention can be likened to a human “hug and squeeze”, and is different in principle – and not anticipated by – a closing/cutting action or a pinching action.

According to the amended claims, the closing action is two-limbed (“two-armed” in the human analogy) and the reaction portion is mounted to the base portion via a neck portion.

The forward disposition of the reaction surface in relation to the base portion significantly improves the mechanical advantage of the arms of the clip in the present invention, and the use of a (relatively narrow) neck portion enables the arms to extend from a region of the base portion behind the reaction surface without disadvantaging the freedom of closing and opening movement of the arms. More generally, the configuration provides a much better range of orientations and arrangements of the arms, the base portion and the reaction surface than would have been possible without the forward mounting of the reaction surface.

Nilsson discloses a male incontinence guard which is characterised by a relatively hard pressure pad (15, 15') which is closed onto the penis by two arms (16, 17) or a compressible wall part (44-47) and strapped tight.

Applicant respectfully submits that the amended claims are not anticipated by Nilsson because there would be no suggestion to modify Nilsson to include a neck connecting the reaction portion to the base portion. To project the pressure pad (reaction portion) from the thickened part 13 (base portion) on a neck would be completely contrary to the teaching (the Nilsson arrangement embeds the pressure pad in the thickened part 13) and would be against logic and it would give rise to the risk of the penis being pinched painfully between the straps and the pressure pad as the straps (arms) are tightened.

Furthermore, the two arms of the Nilsson product are not “movable under a resilient restoring force **from** a first, open, condition, in which a gap is provided between the limbs and the reaction portion for receiving the body passageway into the clip, **to** a second, closed, condition, in which the limbs cooperate with the reaction portion to grip the body passageway to occlude the body passageway”. The key words here are “resilient restoring force” and the words “from” and “to” which define a **direction of action** of the resilient restoring force.

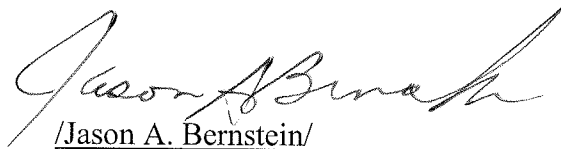
Whereas Nilsson’s “arms” may be resilient, it is clear from the need for the strap that whatever resilient restoring force they have will have an opposite direction of action, causing the arms to open if the strap is released (i.e., when the restoring force is free to act), in contrast to the closing force defined in the claims as presently amended.

CONCLUSION

Applicant submits that the patent application is in condition for allowance and respectfully requests such actions. If the Examiner has any questions that can be answered by telephone, please contact the undersigned attorney of record at the telephone number listed below.

Respectfully submitted,

POWELL GOLDSTEIN LLP

A handwritten signature in cursive script, appearing to read "Jason A. Bernstein".

/Jason A. Bernstein/

Jason A. Bernstein

Reg. No. 31,236

One Atlantic Center, Fourteenth Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488
(404) 572-6900
(404) 572-6999 (fax)
jbernstein@pogolaw.com